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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,453	09/08/2003	Elena Mate	1376-0200620	9810
34456 7590 02/22/2008 LARSON NEWMAN ABEL POLANSKY & WHITE, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730			EXAMINER WENDMAGEGN, GIRUMSEW	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,453

Applicant(s)

MATE ET AL.

Examiner

Girumsew Wendmagegn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 18, 22-30, 32-40 and 42-46 is/are rejected.
- 7) ☒ Claim(s) 7, 16-17, 19-21, 31 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1-2,6,10,13-15,18,25,32,36,39-40,42-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakaya (Pub No US 2001/0012436).

Regarding claim1, 32, 43, 46, Nakaya anticipates a method comprising: receiving a video stream at an information handling system at a first rate, wherein the video stream is a broadcast video stream (see page3 paragraph 0039 and figure1 input); and editing at least a portion of the video stream at the information handling system to generate an edited video stream, wherein the editing is based on characteristics of the video stream(see page3 paragraph 0037) ; and wherein editing occurs in real-time relative to a user's perspective of receiving the video stream (see figure2 and page3 paragraph 0034).

Regarding claim2, Nakaya anticipates the method of claim1, wherein the characteristics of the video stream include information within the video stream (see page3 paragraph 0037).

Regarding claim6, Nakaya anticipates the method of Claim1, wherein the characteristics of the video stream include information from a user action that modified the video stream (see page3 paragraph 0037).

Regarding claim10, Nakaya anticipates the method of claim 1, further comprising: saving the edited video stream; wherein the saving occurs in real-time relative to the user's perspective of the receiving the video stream (see page3 paragraph 0034).

Regarding claim13, 39, Nakaya anticipates the method of claim1, wherein editing comprises modifying the video stream based on selected editing options (see page3 paragraph 0037).

Regarding claim14, 40, Nakaya anticipates the method of Claim 13, further comprising: determining the selected editing options based upon user input (see page3 paragraph 0038).

Regarding claim 15, Nakaya anticipates the method of Claim 14, wherein determining the selected editing options based upon user input comprises the user selecting one or more editing options from a plurality of predefined editing options (see page 3 paragraph 0038).

Regarding claim 18, Nakaya anticipates the method of Claim 13, wherein the editing further comprises: determining, by the information handling system, a characteristic of the video stream; and selecting predefined editing information based on the characteristic (see page 3 paragraph 0039, detecting and cutting commercials).

Regarding claim 25, Nakaya anticipates a method comprising: providing a plurality of predefined editing options to a user; receiving a set of selected editing options from a user, wherein the selected editing options is a subset of the predefined editing options (see page 3 paragraph 0032); receiving a first stream of video (see figure 1 input); applying the set of selected editing options to the first stream of video to obtain an edited stream of video, wherein the applying is based on characteristics of the video stream (see page 3 paragraph 0037); and storing the edited stream of video in real time relative to the user's perception of receiving the first stream of video (see page 3 paragraph 0034).

Regarding claim 36, Nakaya anticipates the method of Claim 32, wherein the utilizing comprises: storing the edited video stream (see page 3 paragraph 0034).

Regarding claim42, Nakaya anticipates the method of Claim 39, wherein the editing further comprises: determining a characteristic of the video stream; and selecting the selected editing options based on the characteristic (see page3 paragraph 0039).

Regarding claim44, Nakaya anticipates the editing system of Claim 43, further comprising: a user interface configured to receive user input (see figure2 element 19); and an edit control module coupled to the user interface, the edit options database, and the video graphics module, the edit control module configured to select another set of predefined editing options based on the user input (see figure2 element 133-133).

Regarding claim45, Nakaya anticipates the editing system of Claim 43, wherein the video stream is a broad cast video stream and the video graphics module is configured to edit the video stream in real-time as the video stream is received (see figure2 and page3 paragraph 0034-0037).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim3-5, 8-9, 11-12, 22- 24, 26-30 and 33-38 are rejected under 35 U.S.C 103(a) as being unpatentable over Nakaya (Pub No US 2001/0012436).

Regarding claim3, see the teaching of Nakaya above. Nakaya does not teach the information within the video stream is a station logo. However it is old and well known in the art to include station logo within the video stream. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to include station logo within the video stream of Nakaya because the logo would allow the user to identify the channel easily.

Regarding claim4, 5, see the teaching of Nakaya above. Nakaya does not teach the information from other than the video stream is from a television guide database. However it is old and well known in the art to use television guide database for editing purpose.

One of ordinary skill in the art at the time the invention was made would have been motivated to use television guide database to get information to use it for editing because the guide is readily available and accessible.

Regarding claim8, 26, 33, see the teaching of Nakaya above. Nakaya does not teach editing includes applying a special effect to the video stream. However it is old and well known in the art to apply special effect to the video stream. Therefore official Notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to apply special effect to the video stream of Nakaya because it would make the video much more enjoyable.

Regarding claim 9, 22- 24, 27-30, 34, see the teaching of Nakaya above. Nakaya does not teach the method of claim 8, wherein the special effect includes one or more of removing a logo, implementing a page turning special effect, implementing a fading effect, removing noise, selection of noise filtering, and selection of quality filtering. However it is old and well known in the art to perform one of removing a logo, implementing a page turning special effect, implementing a fading effect, removing noise, selection of noise filtering, and selection of quality filtering.

One of ordinary skill in the art at the time the invention was made would have been motivated to apply special effect such as removing a logo, implementing a page turning special effect, implementing a fading effect, removing noise, selection of noise filtering, and selection of quality filtering to the video stream of Nakaya because it would increase the quality of the video.

Regarding claim 11-12, 35, 37, see the teaching of Nakaya. Nakaya does not teach displaying the edited video stream. However it is old and well known in the art to display the edited video stream. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to display the video stream in Nakaya system because it would allow the user to visually confirm the edition result.

Regarding claim 38, see the teaching of Nakaya. Nakaya does not teach video stream being streaming video. However it is old and well known in the art to receive streaming video to edit and store. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to receive streaming video to edit in Nakaya system because streaming video is widely used method of delivering video stream.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Allowable Subject Matter

Claim 7, 16-17, 19-21, 31, 41 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmamegn whose telephone number is

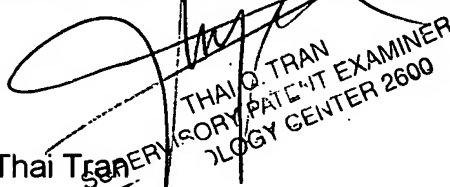
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571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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